

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE EQUIFAX, INC., CUSTOMER  
DATA SECURITY BREACH  
LITIGATION

MDL DOCKET NO. 2800  
1:17-md-2800-TWT  
ALL CASES

**ORDER**

This is an MDL proceeding arising out of the Equifax data breach. It is before the Court on the Plaintiffs' Motion for Limited Relief From Discovery Stay and Entry of Order Relating to Interviews of Defendants' Former Employees [Doc. 488]. The Plaintiffs' Motion for Limited Relief From Discovery Stay [Doc. 488] is DENIED as moot. The Motion for Entry of Order Relating to Interviews of Defendants' Former Employees [Doc. 488] is GRANTED. The Plaintiffs and their counsel may initiate ex parte communications with former employees of the Defendants under any applicable ethical and procedural rules and the following guidelines:

1. Upon contacting any former employee, the Plaintiffs' counsel shall immediately identify himself or herself as the attorney representing Plaintiffs in the instant suit and specify the purpose of the contact.

2. The Plaintiffs' counsel shall ascertain whether the former employee is represented by counsel. If so, the contact must terminate immediately.

3. The Plaintiffs' counsel shall advise the former employee that (a) participation in the interview is not mandatory and that (b) he or she may choose not to participate or to participate only in the presence of personal counsel or counsel for the Defendants. Counsel must immediately terminate the interview of the former employee if she or he does not wish to participate.

4. The Plaintiffs' counsel shall advise the former employee to avoid disclosure of privileged materials. In the course of the interview, the Plaintiffs' counsel shall not attempt to solicit privileged information and shall terminate the conversation should it appear that the interviewee may reveal privileged matters.

5. The Plaintiffs shall create and preserve a list of all former employees contacted and the date(s) of contact(s) and shall maintain and preserve any and all statements or notes resulting from such contacts, whether by phone or in person. The Defendants are entitled to review the lists and notes within seven (7) days of demand subject to the protections of work product.

6. Should the Defendants have reason to believe that a violation of either the ethical rules or this Court's Order has occurred, the Defendants shall file an appropriate motion with this Court. Appropriate sanctions or remedial measures will

be imposed if a violation is found by the Court. If the violation is revealed at trial, the Defendants shall make such motion in open Court, and the Court will take the matter under advisement at that time.

SO ORDERED, this 21 day of March, 2019.

/s/Thomas W. Thrash  
THOMAS W. THRASH, JR.  
United States District Judge